

April 18, 2005

Case No. GP-301992 (2760/45)

Serial No.: 10/057,855

Filed: January 23, 2002

Page 2 of 12

DRAWING AMENDMENT

The Applicant submits a replacement drawing sheet 1/2 including amendments to provide descriptive labeling for features 115, 126, 128, 150, 160, 172, 174 and 180 as shown in FIG. 1.

April 18, 2005
Case No. GP-301992 (2760/45)
Serial No.: 10/057,855
Filed: January 23, 2002
Page 7 of 12

REMARKS

Drawings. In the Final Office Action, Examiner Phan objected to the drawings for failing to include descriptive labels for features 115, 126, 128, 150, 160, 172, 174 and 180 as shown in FIG. 1. The Applicant is concurrently filing a replacement drawing sheet 1/2 to obviate this objection to the drawings. Withdrawal of the objection to the drawings is therefore respectfully requested.

Claims. In the Final Office Action, Examiner Phan rejected pending claims 1-9, 11-14 and 16-20 on various grounds. The Applicant responds to each rejection as subsequently recited herein:

- A. Examiner Phan rejected claims 1, 4-6, 11, 12, 14, 17, 18 and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,701,161 B1 to *Wendling* in view of U.S. Patent Application Publication No. 2003/0096641 to *Odinak*

The Applicant has considered Examiner Phan's remarks concerning the patentability of claims 1, 4-6, 11, 12, 14, 17, 18 and 20 over Wendling in view of Odinak. The Applicant has also read Wendling and Odinak. To warrant this 103(a) rejection of claims 1, 4-6, 11, 12, 14, 17, 18 and 20, there must be some suggestion or motivation, either in the Wendling and/or Odinak or in the knowledge generally available to one of ordinary skill in the art, to modify Wendling in view of Odinak as proposed by Examiner Phan to obtain independent claims 1, 12 and 18. See, MPEP §2143. The Applicant respectfully traverses this 103(a) rejection of claims 1, 4-6, 11, 12, 14, 17, 18 and 20, because Wendling teaches away from the following limitations of independent claims 1, 12 and 18:

1. "receiving a mobile phone identification number sent in response to a radio button activation" and "activating an operations mode in response to the received mobile phone identification number" as recited in independent claim 1;

April 18, 2005
Case No. GP-301992 (2760/45)
Serial No.: 10/057.855
Filed: January 23, 2002
Page 8 of 12

2. "computer program code to receive a mobile phone identification number sent in response to a radio button activation" and "computer program code to activate an operations mode in response to the received mobile phone identification number" as recited in independent claim 12; and

3. "means for receiving a mobile phone identification number sent in response to a radio button activation" and "means for activating an operations mode in response to the received mobile phone identification number" as recited in independent claim 18.

Specifically, Wendling teaches a radio telephone OS that functions as a radio via radio buttons when radio telephone OS is connected to a base device BD as illustrated in FIGS. 1 and 3. Conversely, Wendling teaches radio telephone OS functions as a mobile telephone via mobile telephone buttons when radio telephone OS is not connected to base device BD as illustrated in FIGS. 4a and 4b. See, Wendling at column 7, line 39 to column 8, line 44. As such, Wendling teaches base device BD receiving a mobile phone identification number via the mobile telephone buttons when radio telephone OS is operating as a mobile telephone (FIGS. 4a and 4b), and teaches away from base device BD receiving a mobile phone identification number via radio buttons when radio telephone OS is operating as a radio (FIGS. 1 and 2) as required by independent claims 1, 12 and 18.

Withdrawal of the rejection of independent claims 1, 12 and 18 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Odinuk* is therefore respectfully requested.

Claims 4-6, 11 and 12 depend from independent claim 1. Therefore, dependent claims 4-6, 11 and 12 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 4-6, 11 and 12 are allowable over *Wendling* in view of *Odinuk* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Wendling* in view of *Odinuk*. Withdrawal of the rejection of dependent claims 4-

April 18, 2005
Case No. GP-301992 (2760/45)
Serial No.: 10/057,855
Filed: January 23, 2002
Page 9 of 12

6, 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Odinak* is therefore respectfully requested.

Claims 14 and 17 depend from independent claim 12. Therefore, dependent claims 14 and 17 include all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Applicant that dependent claims 14 and 17 are allowable over *Wendling* in view of *Odinak* for at least the same reason as set forth with respect to independent claim 12 being allowable over *Wendling* in view of *Odinak*. Withdrawal of the rejection of dependent claims 14 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Odinak* is therefore respectfully requested.

Claim 20 depends from independent claim 18. Therefore, dependent claim 20 includes all of the elements and limitations of independent claim 18. It is therefore respectfully submitted by the Applicant that dependent claim 20 is allowable over *Wendling* in view of *Odinak* for at least the same reason as set forth with respect to independent claim 18 being allowable over *Wendling* in view of *Odinak*. Withdrawal of the rejection of dependent claim 20 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Odinak* is therefore respectfully requested.

B. Examiner Phan rejected claims 2, 3 and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,701,161 B1 to *Wendling* in view of U.S. Patent Application Publication No. 2003/0096641 to *Odinak* and in further view of U.S. Patent No. 6,470,178 to *Cumming-Hill et al.*

Claims 2 and 3 depend from independent claim 1. Therefore, dependent claims 2 and 3 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2 and 3 are allowable over *Wendling* in view of *Odinak* and in further view of *Cumming-Hill* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Wendling* in view of *Odinak*. Withdrawal of the rejection of dependent claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over

April 18, 2005
Case No. GP-301992 (2760/45)
Serial No.: 10/057,855
Filed: January 23, 2002
Page 10 of 12

Wendling in view of *Odinak* and in further view of *Cumming-Hill* is therefore respectfully requested.

Claim 13 depends from independent claim 12. Therefore, dependent claim 13 includes all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Applicant that dependent claim 13 is allowable over *Wendling* in view of *Odinak* and in further view of *Cumming-Hill* for at least the same reason as set forth with respect to independent claim 12 being allowable over *Wendling* in view of *Odinak*. Withdrawal of the rejection of dependent claim 13 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Odinak* and in further view of *Cumming-Hill* is therefore respectfully requested.

- C. Examiner Phan rejected claims 7-9, 16 and 19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,701,161 B1 to *Wendling* in view of U.S. Patent Application Publication No. 2003/0096641 to *Odinak* and in further view of U.S. Patent No. 5,537,673 to *Nagashima et al.*

Claims 7-9 depend from independent claim 1. Therefore, dependent claims 7-9 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 7-9 are allowable over *Wendling* in view of *Odinak* and in further view of *Nagashima* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Wendling* in view of *Odinak*. Withdrawal of the rejection of dependent claims 7-9 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Odinak* and in further view of *Nagashima* is therefore respectfully requested.

Claim 16 depends from independent claim 12. Therefore, dependent claim 16 includes all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Applicant that dependent claim 16 is allowable over *Wendling* in view of *Odinak* and in further view of *Nagashima* for at least the same reason as set forth with respect to independent claim 12 being allowable over *Wendling* in view of *Odinak*. Withdrawal of the rejection of dependent claim 16

April 18, 2005
Case No. GP-301992 (2760/45)
Serial No.: 10/057,855
Filed: January 23, 2002
Page 11 of 12

under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Odinak* and in further view of *Nagashima* is therefore respectfully requested.

Claim 19 depends from independent claim 18. Therefore, dependent claim 19 includes all of the elements and limitations of independent claim 18. It is therefore respectfully submitted by the Applicant that dependent claim 19 is allowable over *Wendling* in view of *Odinak* and in further view of *Nagashima* for at least the same reason as set forth with respect to independent claim 18 being allowable over *Wendling* in view of *Odinak*. Withdrawal of the rejection of dependent claim 19 under 35 U.S.C. §103(a) as being unpatentable over *Wendling* in view of *Odinak* and in further view of *Nagashima* is therefore respectfully requested.

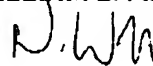
April 18, 2005
Case No. GP-301992 (2760/45)
Serial No.: 10/057,855
Filed: January 23, 2002
Page 12 of 12

SUMMARY

The Applicant respectfully submits that claims 1-20 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested. If any points remain at issue that may best be resolved through a personal or telephonic interview, Examiner Phan is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **April 18, 2005**

Respectfully submitted,
WILLIAM E. MAZZARA, JR.



CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113

Darrin Wesley Harris
Registration No. 40,636
Attorney for Applicant